

**EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,  
HYDROLOGISTS AND SOIL SCIENTISTS  
MINUTES  
MADISON, WISCONSIN  
September 9, 1999**

**PRESENT:** Stephen Donohue, David Mickelson (arrived at 11:12), Thomas Evans, Wayne Lindgren, Patrick McGuire, E. Jerry Tyler, Fred Birts, Tracy Benzel (unconfirmed), Joan Underwood (by teleconference until 1:05 p.m.)

**EXCUSED:** Herbert Garn, Robert Karnauskas, Roger Hall

**STAFF PRESENT:** Secretary Cummings, for a portion of the meeting, Alfred Hall and Becky Fry; Bill Black, Legal Counsel

**GUESTS:** Don Reed – Southeastern Wisconsin Regional Planning Commission  
Dale Simon – Wisconsin Department of Natural Resources (WDNR) –  
Bureau of Fisheries Management, and Habitat Protection  
David Siebert – WDNR – Bureau of Integrated Science Services  
Scott Storlid – Natural Resources Consulting, Inc.  
Alice Thompson – Thompson’s Associates Wetland Services  
Elizabeth A. Day – URS Greiner Woodward Clyde  
Ron Steg – Director, NES Ecological Services Division of Robert E Lee

**CALL TO ORDER**

The meeting was called to order at 9:26 a.m. by Stephen Donohue, Vice Chair. A quorum of eight voting members was present.

**ADOPTION OF AGENDA**

**MOTION:** Thomas Evans moved, seconded by Patrick McGuire, to approve the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES (8/25/99)**

**MOTION:** Fred Birts moved, seconded by Thomas Evans, to approve the minutes, as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary Cummings’ Report**

Secretary Cummings informed the Section that the budget has not yet been passed. She explained that expenditures are based on projected revenues from an increased fee schedule. She said that not having an approved budget will cause problems for the Department.

Secretary Cummings reported on the Governor Moving State Government to the Kenosha/Racine area. She indicated that the primary focus was on the funeral and cemetery business and she hopes to make changes in the statutes making them more serviceable to the consumers of cemetery services.

Secretary Cummings congratulated the Board on their response to Senator Wirch.

Secretary Cummings indicated that she was anxious to see what the Board comes up with relating to the clarification of the definition of wetland delineation.

### **LEGISLATIVE UPDATE**

Alfred Hall passed out modifications to the letters included in the packet to Senator Robert Wirch regarding the Senate Clearinghouse Rule 99-088 relating to the regulation and licensing of the professions of geology, hydrology, and soil science, and to Senator Judy Robson and Representative Glenn Grothman regarding a request for extension of emergency rules regulating the professions of professional geology, hydrology, and soil scientists. He clarified the modifications to the Board.

Alfred Hall explained the rationale for the letter and today's meeting. He indicated that the goal of the meeting would be for the Board to be in a position to provide modification to the administrative rules with regards to the practice of wetland delineation.

### **ADMINISTRATIVE RULES**

#### **SCR 99-088 Senate Committee on Economic Development, Housing and Government Operations Report**

Bill Black indicated that the administrative rules are under scrutiny by Senator Wirch's committee and the committee's request is that the issue of wetland delineation be addressed in a non-statutory way with the rules that are in place. Mr. Black indicated that the Senate Committee is looking for a response to a modification of the administrative rules in regards to wetland delineation.

### **PRACTICE ISSUES**

#### **Discussion of Wetland Delineation**

The Board heard testimony from seven individuals from both the private and public sectors who determine wetland delineation. The speakers provided a wide range of information on topics relating to wetland delineation and wetland ecology to the Board to make a determination whether the practice of wetland delineation requires being licensed as a professional geologist, hydrologist, or soil scientist.

The Board debated on the testimony of the speakers.

**MOTION:** Joan Underwood moved, seconded by Thomas Evans, to send a letter that indicates that, for the purposes of existing rules, we would grant an exemption for delineating wetlands that is outside the practice of soil science, hydrology, or geology. Motion was defeated with none in favor and seven opposed. (Joan Underwood was no longer available by telephone conference for voting on the motion.)

The Board received a handout from Bill Black indicating proposed language for GHSS 1.02(5) definitions.

**MOTION:** Patrick McGuire moved, seconded by David Mickelson, to propose the creation of GHSS 1.02(5) to read: "The mapping of wetlands, as defined in sec. 23.32(1) Stats., or the determination of ordinary high water mark of lakes, rivers, or streams, does not require a license as a professional geologist, professional hydrologist, or professional soil scientist, under sec. 470.04, Stats.." Motion carried with six in favor and one (Jerry Tyler) opposed.

### **EXAMINATION ISSUES**

Nothing to report.

### **NEW BUSINESS**

The Board received an updated copy of the 2000 meeting dates.

**MOTION:** Fred Birts moved, seconded by David Mickelson, to approve the 2000 meeting dates with a change in the March date to March 29, 2000. Motion carried unanimously.

The Board discussed future meeting dates. The Board will meet Tuesday, October 19, 1999 at 9:00 a.m. by teleconference for final adoption of the rules.

The Board discussed the exemption for government employees versus privately-employed individuals who delineate wetlands or determine ordinary high water marks.

**MOTION:** Patrick McGuire moved, seconded by Jerry Tyler, not to support the legislation, based on the modification of the administrative rules defining wetland delineation that makes the statutory change irrelevant. Motion carried unanimously.

**MOTION:** Patrick McGuire moved, seconded by David Mickelson, to propose that if the modification of the administrative rules is adopted, there should not be an exclusion for public employees only, but should be an exclusion for anyone employed for the purpose of delineating wetlands or determining ordinary high water marks. Motion carried unanimously.

## **ADJOURNMENT**

**MOTION:** Fred Birts moved, seconded by Thomas Evans, to adjourn the meeting at 1:42 p.m. Motion carried unanimously.